

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

L.P.A No. 126 of 2005

Date of decision : 1.2.2007

The State of Haryana & others,

.....Appellants

through Mr.B.S.Rana, Addl.A.G.Haryana

v.

Deepak,

.....Respondent

through Mr.Sunil Panwar, Advocate

**CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAJIVE BHALLA**

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Prayer in this Letters Patent Appeal is for setting aside the judgment, dated 11.2.2005, passed by the learned Single Judge, whereby the appellants were directed to consider the respondent's case for compassionate appointment, under the scheme, framed by them.

The sole contention, raised by counsel for the appellants, is that the learned Single Judge has directed the State of Haryana to appoint the respondent, in accordance with the policy with respect to compassionate appointment. It is prayed that as the respondent did not fulfill the conditions for compassionate appointment, the State of Haryana could not be directed to appoint the respondent.

We have heard learned counsel for the parties and perused the paper book.

The learned Single Judge, without recording any finding as to the merits of the controversy, merely directed the appellants to consider the respondent's case for appointment under the scheme for compassionate appointment. The directions, issued by the learned Single Judge, read as follows :-

“XX XX XX XX XX

This petition is allowed and it is directed that the petitioner shall be considered for appointment under the ex-gratia scheme Annexure P-1/R-1/R-II or under any other later scheme as may be applicable. Since the petitioner was driven to file the petition and had incurred litigation expenses, he shall be entitled to costs assessed at Rs.10,000/- payable by the respondents.”

The apprehension, expressed by counsel for the appellants, that a direction has been issued to appoint the respondent on compassionate grounds, is unfounded. The learned Single Judge merely directed consideration of the respondent's claim for appointment. Consequently, as the impugned order does not suffer from any illegality or infirmity, the present appeal is dismissed.

**(VIJENDER JAIN)
CHIEF JUSTICE**

**(RAJIVE BHALLA)
JUDGE**

**February 01, 2007.
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